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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8009 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PARAS SHIPBREAKERS LTD.

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8009 of 1998

MR KH KAJI for Petitioners No. 1-2

MR MANISH K KAJI for Petitioners No. 1-2

MRS.HANSA PUNANI,AGP for Respondents No. 1-3

MR MD PANDYA for Respondent No. 4

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 23/10/2001

ORAL JUDGEMENT

Heard Mr.Kazi, learned Counsel for the petitioners and Mr. M.D.Pandya, learned Counse for GEB.

2. Having heard learned Counsel for the parties, it appears to the Court that when the Gujarat Electricity Regulatory Authority has already passed orders dated 27.11.2000 in favour of consumers falling in the category in which the petitioners fall, there is no reason why the petitioners should not be granted benefit of the said orders.

3. Mr.Pandya for the GEB, however, states that the GEB has already filed an application for review/ modification before Gujarat Electricity Regulatory Authority and, therefore, the orders dated 27.11.2000 passed by the said authority are not required to be implemented by the GEB at this stage.

4. Even though the GEB has filed an application for review/ modification of the aforesaid orders of the Gujarat Electricity Regulatory Authority, when the orders were passed in favour of consumers as far back as on 27.11.2000, there is no reason why those orders should not be required to be implemented without prejudice to the rights and contentions of the GEB in the application for review/ modification and subject to the liability of the petitioners to abide by any such orders which may be passed by the Gujarat Electricity Regulatory Authority in the application for review/ modification.

5. The petition is accordingly allowed. The respondent- GEB shall implement theorders dated 27.11.2000 passed by the Gujarat Electricity Regulatory Authority in Application No. 4 of 1999 (Annexure C to the Civil Application) in the terms contained in paras 14 to 16 of the said order, within one month from today, without prejudiceto the rights and contentions of the GEB in its application for review/ modification and subject to the liability of the petitioners to abide by the orders which may be passed by the Gujarat Electricity Regulatory Authority in such application for review/ modification.

Rule is made absolute to the aforesaid extent with no order as to costs.

(K.R.Vyas,J.)

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